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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,708	08/30/2001	Jean Claude Brigaud	Q65959	6238

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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
2684	4

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/941,708

Applicant(s)

BRIGAUD ET AL.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-7, 14, and 15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1-7: The limitation “and/or” is indefinite because it is not clear as to what is claimed.

Re claim 4 and 5: the claimed limitation “(Vbat-Vnom) and (Vnom)” is not considered because the limitation is enclosed within parentheses. The claimed invention should not be enclosed within parentheses.

Re claim 14 and 15: these claims are indefinite because the claims are unfinished.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8 and 10-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki (US Patent number 6,580,901) in view of Skarby (US Patent number 6,334,050).

Regarding **claims 1 and 8**, Mochizuki discloses that a method of controlling amplification of a signal emitted by a radiocommunication terminal (radio transmitter see column 1, lines 9 – 13) including a power amplifier (2 in Fig. 6) and a power supply battery (7 in Fig. 6) (abstract and Fig. 1, 6). Mochizuki teaches that detecting the output power of said amplifier (Fig. 6 and column 7, lines 64 – column 8, lines 22, where teaches detecting transmission output power level of high power amplifier) and converting said output power into a detected voltage (abstract, Fig. 8, and column 8, lines 60 – column 9, lines 24, where teaches voltage converter converts the output voltage level). Mochizuki teaches that comparing said detected voltage with a set point voltage (Fig. 6, 8 and column 7, lines 38 – 63, where teaches comparing the reference voltage with the detected voltage). Mochizuki teaches that adapting the input voltage of said power amplifier as a result of said comparison (Fig. 6, 8, column 10, lines 57 – column 11, lines 13, and column 7, lines 11 – 33, where teaches adapting input signals and realize the input level of power amplifier and selecting the output power level). Mochizuki teaches that detected voltage **or** said set point voltage is rendered dependent on the voltage of said power supply battery (column 8, lines 10 – column 9, lines 17 and Fig. 6, 7). Mochizuki does not specifically disclose the limitation “detected voltage **or** said set point voltage is rendered dependent on the voltage of said power supply battery before the step of comparing said detected voltage with said set point voltage”. However, Skarby teaches the limitation “detected voltage **or** said set point voltage is rendered dependent on the voltage of said power supply battery before the step of comparing said detected voltage with said set point voltage” (Fig. 1, abstract, and column 2, lines 55 –

column 3, lines 12, where teaches received detection voltage corresponding radio signals in transceiver unit (107) and provided to power amplifier (101) and then delivered through the antenna (113) depending on condition of the power supply unit before the comparison unit (112) compared between detected voltage and reference voltage). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Mochizuki system as taught by Skarby, provides the motivation to achieve efficient output power control in radio communication terminal.

Regarding **claim 2**, Mochizuki discloses that the detected voltage is increased by a correction value dependent on said voltage of said power supply battery (column 8, lines 10 – column 9, lines 17 and Fig. 6, 7).

Regarding **claim 3**, Mochizuki discloses that the set point voltage is reduced by a correction value dependent on said voltage of said power supply battery (column 7, lines 64 – column 8, lines 64 and Fig. 6, 7).

Regarding **claims 4 and 5**, Mochizuki discloses that the correction value is a multiple of  $(V_{bat} - V_{nom})$  where  $(V_{nom})$  is the nominal voltage of said power supply battery (column 8, lines 48 – column 9, lines 40 and Fig. 5, 6).

Regarding **claim 6**, Mochizuki discloses that the detected voltage or said set point voltage is rendered dependent of said voltage of said power supply battery only within a limited range of the output power of said amplifier (column 7, lines 11 – 34 and Fig. 5, 6, and column 10, lines 9 – 43).

Regarding **claim 7**, Mochizuki discloses that the detected voltage or said set point voltage is rendered dependent on said voltage of said power supply battery only in a

range of the output power of said amplifier close to 30 dBm (column 4, lines 44 – column 5, lines 14, Fig. 5, 6, and column 7, lines 11 – 34).

Regarding **claim 10**, Mochizuki and Skarby disclose all the limitation, as discussed in claims 1 and 7.

Regarding **claim 11**, Mochizuki discloses that the blocking means include a field-effect transistor (113 in Fig. 6) (Fig. 6 and column 6, lines 56 – column 7, lines 5).

Regarding **claim 12**, Mochizuki discloses that the means for rendering said detected voltage or said set point voltage dependent on said voltage of said power supply battery include software means (Fig. 8, 9 and column 10, lines 57 – column 11, lines 40).

Regarding **claim 13**, Mochizuki and Skarby disclose all the limitation, as discussed in claims 7 and 12.

Regarding **claims 14 and 15**, Mochizuki discloses that a radiocommunication terminal including a device (column 1, lines 15 – 37 and Fig. 1).

***Allowable Subject Matter***

4. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “the means for rendering said detected voltage or said set point dependent on said voltage of said power supply battery include a subtractor between said comparator means and said power detector and converter means” as specified in the claim 9.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chun et al. (US Patent number 5,999,829) discloses Circuit and Method for Controlling the Power Used by a Portable Radio Telephone.

Epperson et al. (US Patent number 6,701,138) discloses Power Amplifier Control.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or

Art Unit: 2684

relating to the status of this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

J.L

March, 2001

John J Lee

A handwritten signature in black ink, appearing to read "Nick Corsaro", with a long horizontal flourish extending to the right.

**NICK CORSARO  
PATENT EXAMINER**